

REMARKS

Claims 1-19 and 26-33, as amended, and new claim 34 appear in this application for the Examiner's review and consideration. Claims 20-25, directed to non-elected subject matter, have been cancelled without prejudice to applicants' rights to file a divisional application for the subject matter of those claims. Also, claims 26-33, of which claims 26-28 and 31-33 are currently amended, are withdrawn in view of the restriction requirement. Claims 26, 28, and 31-33 are amended to depend from claim 1, while claim 27 is amended to correct a typographic error. These amendments are made without prejudice to applicants' rights to file a divisional application for the subject matter of claims 26-33 as they existed prior to the amendments. New claim 34 is added as a preferred embodiment of the invention in view of the species election requirement. As no new matter is introduced, Applicants respectfully request that the claim amendments be entered into the application at this time.

In response to the Examiner's restriction requirement, Applicants elect, with traverse, Group I, claims 1-19. With respect to the species election requirement, Applicants elect insulin with traverse. New claim 34, directed to the expression of insulin by insulin-producing cells, is readable on this species election of the insulin gene. Thus, at least claims 19-34 should be examined at this time.

Applicants respectfully submit that all the species in this application should be examined together since they are related in that each can be expressed by the glucose responsive insulin-producing cells of the present invention. Since all the species are β -cell related genes that can be expressed by the present glucose responsive insulin-producing cells, they are related in function and effect and encompassed by the generic claims 1-19 such that they should be examined together.

In addition, as the method claims 26-33 have been amended to depend from the elected product claim 1, Applicants respectfully submit that the elected Group I encompasses method claims 26-33 such that they should be rejoined and examined together.


Accordingly, it is believed that claims 1-19 and 34 define patentable subject matter and should be allowed.

In view of the above, it is believed that the entire application is in condition for allowance, early notification of which would be appreciated. Should the Examiner not agree with this position, a telephone or personal interview is requested to resolve any remaining

issues and expedite allowance of this application. Please call the undersigned to expedite the allowance of all claims in this application.

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Respectfully submitted,



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